

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**KENNY KENNETH ALEXANDER**

**v.**

**TODD PATRICK, M.D., *et al.***

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**CIVIL ACTION NO. 6:18cv285**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of the complaint, has been presented for consideration. The Report and Recommendation (Docket No. 5), filed on June 25, 2018, recommends that the complaint be dismissed with prejudice for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2)(B). On July 30, 2018, Plaintiff, proceeding *pro se*, filed a letter (Docket No. 12) that is construed as Plaintiff's written objections to the Report and Recommendation.

In his written objection, Plaintiff requests a hearing. Plaintiff does not identify any additional information that he would provide in a hearing. Plaintiff has not alleged facts that would establish diversity jurisdiction pursuant to 28 U.S.C. § 1332 and he has not alleged a cause of action pursuant to a federal law that would provide jurisdiction pursuant to 28 U.S.C. § 1331. Plaintiff's pleadings state that he is suing local medical personnel concerning his medical care. These alleged facts do not plausibly invoke this court's jurisdiction and the action must be dismissed. FED. R. CIV. P. 12(h)(3).

Having made a *de novo* review of the written objections filed by Plaintiff in response to the Report and Recommendation, the Court concludes that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. It is therefore

**ORDERED** that the complaint is **DISMISSED** with prejudice for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2)(B).

Any motion not previously ruled on is **DENIED**.

**So ORDERED and SIGNED this 13th day of August, 2018.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE